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NATHANIEL POPE.

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BY WILLIAM A. MEESE.*

Nathaniel Pope was born January 5, 1784, at the Falls of the Ohio, now Louisville, Kentucky. He received for those times a liberal education, attending Transylvania University at Lexington, his native state, and graduating therefrom in 1806 with high honors. The law became his profession, he having studied in the office of his brother, John Pope, a United States Senator from Kentucky.

Soon after his admission to the bar he wended his way west, landing at St. Genevieve, Upper Louisiana, then a thriving town on the west bank of the Mississippi. At this time Kaskaskia, the seat of government of the Illinois, was the most important center of civilization in the Upper Mississippi Valley. The ablest lawyers of the west practiced in the Kaskaskia court, and here Pope met men like Thomas Benton, who came from Missouri to attend court. Not long thereafter young Pope moved to Kaskaskia.

On February 3, 1809, Congress authorized the organization of Illinois Territory, to take effect March 1st. This act separated Illinois from Indiana, and gave Illinois an independent government. Judge John Boyle of Kentucky was on February 23, 1809, appointed Governor of the new territory, and on the same day Nathaniel Pope was appointed Secretary. Judge Boyle declined the appointment, and on April 24, Ninian Edwards, then chief justice of the Kentucky court of appeals, received the appointment from President Madison, both appointments being

* Mr. Meese will contribute to the Journal further articles on prominent Illinoisans under the title of Forgotten Statesmen of Illinois.

made upon the recommendation of Senator John Pope and Henry Clay of Kentucky. Alexander Stuart, Obadiah Jones and Jesse B. Thomas were appointed territorial judges and Benjamin H. Doyle attorney general.

Under the ordinance of 1787 and the act of Congress of February 3, 1809, the governor and the judges constituted the law-making power. Governor Edwards was unable to start for the Illinois at the time of his appointment, being detained in Kentucky until June at closing up his personal affairs. Nathaniel Pope, on the 25th day of April, 1809, took the oath of office before Judge Schrader of St. Genevieve, and coming to Illinois, proceeded to organize our government. By proclamation of April 28th, he re-established the counties of St. Clair and Randolph, and also appointed and commissioned Elias Rector, adjutant general; John Hay, sheriff; Enoch Moore, coroner, and seventeen justices of the peace. The governor and judges met at Kaskaskia June 13, 1809, and resolved that the laws of Indiana Territory in force prior to March 1, 1809, which applied to the new territory, should remain in force. The session lasted seven days.

Nathaniel Pope continued to act as secretary of the territory until December, 1816. While filling that office he received a salary of \$1,000 a year, which for those times was a large sum. During his incumbency in office, he and Governor Edwards were the best of friends, and perfect harmony existed.

On June 19, 1812, the United States declared war upon Great Britain. Previous to this time many of the Illinois Indians had taken sides with Great Britain and openly countenanced British rule. The depredations committed by these Indians upon Illinois inhabitants caused great alarm among our people, and Governor Edwards organized an expedition to teach the hostiles a lesson. On the expedition to Peoria Lake in 1812 Nathaniel Pope served as an officer on the governor's staff.

In January, 1816, the legislative council and house of representatives of the Illinois territory, by resolution, authorized Nathaniel Pope and Daniel P. Cook to superintend the printing of the laws and journals of the fourth session of the territorial legislature. For this work the committee was allowed the sum of twenty-five dollars. The laws were printed in 1816 in one small volume of eighty-four pages by Matthew Duncan, "Printer to the Territory."

IN CONGRESS—STATEHOOD.

In the fall of 1816 Pope became a candidate for territorial delegate to Congress. He had several opponents, but "distanced all of the candidates and was triumphantly elected." Just after his election he resigned his office of secretary of the territory, and on Monday, December 18, 1817, according to the records of the Fourteenth Congress, he "appeared before that body, produced his credentials, was qualified and took his seat." He was reelected to the succeeding Congress and served until December 4, 1818. While in Congress he signally distinguished himself and gave evidence of great wisdom, foresight and statesmanship.

In the year 1816 the people of Illinois became anxious for statehood, and in January, 1817, both houses of the territorial legislature passed an act authorizing the taking of a census in fifteen counties. The work of enumeration was to commence on the first day of April of that year and end on the first day of June next.

The Ordinance of 1787 provided that each state formed from the Northwest Territory should have a population of 60,000 free inhabitants. Fearing that Illinois did not have that number, which proved to be the fact, the legislature in the same month (January), and within a few days after the passage and approval of the previously mentioned act, enacted another law, which provided that:

"And, whereas, a great increase of population may be expected between the first day of next June and Decem-

ber'' * * * ''Therefore'' * * * we * * * ''shall continue to take the census of all persons who may remove into their respective counties between the first day of June and the first day of December next.''

It is said the Commissioners enumerated all persons coming in as well as those going out of the state. There was at this time a large emigration to Missouri, most of which passed through Illinois. These emigrants were enumerated as they entered the territory, in every county they passed through, and as they went out of the state. and still the enumerators could count but thirty-four thousand, six hundred twenty.

Judge John Moses, in his ''History of Illinois'' (page 281), says: ''Mr. Pope well knew that the territory did not contain the required 60,000, and he succeeded in fixing in the act the number of 40,000 as being sufficient.'' Judge Moses' history refers to the ''Abridgement of the Debates of Congress,'' Vol. VI, 173. An examination of Mr. Bentham's admirable work fails to disclose any mention of this reduction in the required population. I have also examined the ''Annals of the Fifteenth Congress, First Session'' (Gales and Seaton), and find no reference to this change.

Article V of the Ordinance of 1787 contained, however, the following:

''Provided, the constitution and government, so to be formed, shall be republican, and in conformity to the principles contained in these articles, and so far as it can be consistent with the general interest of the confederacy, such admission shall be allowed at an earlier period, and when there may be a less number of free inhabitants in the state than sixty thousand.''

The resolution passed by the senate and house of representatives of the United States on December 3, 1818, declaring Illinois to be one of the United States, does not mention 40,000 or 60,000 population, but is silent on that question. It was in the preparation and passage of this

resolution that Nathaniel Pope further proved his statesmanship. The petition of the Illinois legislature praying for statehood was granted, and Illinois with less than forty thousand inhabitants, through the labors of Nathaniel Pope, was admitted as a state into our Union.

NORTHERN BOUNDARY.

Article V of the Ordinance of 1787 fixed the limits of the states to be carved from the Northwest Territory. It also provided that Congress had authority to form one or two states in that part of the territory "which lies north of an east and west line drawn through the southerly bend or extreme of Lake Michigan."

Mr. Pope, fully alive to the interests of his constituency, secured several amendments to the bill. The house of representatives had resolved itself into a committee of the whole, and Mr. Pope first moved to strike out the description which bounded Illinois on the north by a line drawn directly west from the southerly bend of Lake Michigan, and insert the following:

"Beginning at the mouth of the Wabash river, hence up the same, and with the line of Indiana to the northwest corner of said state, thence east with the line of the same state to the middle of Lake Michigan; thence north along the middle of said lake to north latitude 42 degrees 30 minutes; thence west to the middle of the Mississippi river, and thence down along the middle of that river to its confluence with the Ohio river, and thence up the river along its northwest shore to the beginning."

This boundary was adopted. Many histories, in referring to this incident, give what purports to be a part of Mr. Pope's speech, as follows:

"If her commerce is to be confined to that great artery of communication, the Mississippi, which washes her entire western border, and to its chief tributary on the south, the Ohio, there is a possibility that her commercial relations with the south may become so closely connected

that in the event of an attempted dismemberment of the Union, Illinois will cast her lot with the southern states. On the other hand, to fix the northern boundary of Illinois upon such a parallel of latitude as would give to the state territorial jurisdiction over the southern shores of Lake Michigan, would be to unite the incipient commonwealth to the states of Indiana, Ohio, Pennsylvania and New York in a bond of common interest, well nigh indissoluble. By the adoption of such a line Illinois may become at some future time the keystone to the perpetuity of the Union."

In view of the events that followed, Pope's speech might almost be called prophetic. I have always felt that I would like to be certain that Nathaniel Pope in 1818 said what is attributed to him.

"The Annals of Congress," under date of April 4, 1818, in mentioning Mr. Pope's argument, among other things credit him with saying:

"This would afford additional security to the perpetuity of the Union."

These Annals were published in 1854, and are but an abridgement of the proceedings. The best authority I have been able to find, which convinces me Mr. Pope realized what the future might have in store for us, is Governor Thomas Ford's account of this event, published in his history of Illinois. Ford's history was completed in April, 1847. I quote therefrom:

"But there were other and much more weighty reasons for this change of boundary, which were ably and successfully urged by Judge Pope upon the attention of Congress. It was known that in all confederated republics there was danger of dissolution. The great valley of the Mississippi was filling up with a numerous people; the original confederacy had already advanced westward a thousand miles, across the chain of mountains skirting the Atlantic; the adjoining states in the western country were watered by rivers running from every point of the

compass, converging to a focus at the confluence of the Ohio and Mississippi at Cairo; the waters of the Ohio, Cumberland and Tennessee rivers carried much of the commerce of Alabama and Tennessee, all of Kentucky, considerable portions of that of Virginia, Pennsylvania and New York, and the greater portion of the commerce of Ohio and Indiana, down by the Point at Cairo (situate in the extreme south of Illinois), where it would be met by the commerce to and from the lower Mississippi, with all the states and territories to be formed in the immense country on the Missouri, and extending to the head waters of the Mississippi. Illinois had a coast of 150 miles on the Ohio river and nearly as much on the Wabash. The Mississippi was its western boundary for the whole length of the state; the commerce of all the western country was to pass by its shores, and would necessarily come to a focus at the mouth of the Ohio, at a point within this state and within the control of Illinois, if—the Union being dissolved—she should see proper to control it. It was foreseen that none of the great states in the west could venture to aid in dissolving the Union without cultivating a state situate in such a central and commanding position.

“What, then, was the duty of the national government? Illinois was certain to be a great state, with any boundaries which that government could give. Its great extent of territory, its unrivalled fertility of soil and capacity for sustaining a dense population, together with its commanding position, would in course of time give the new state a very controlling influence with her sister states situate upon the western rivers, either in sustaining the federal union as it is, or in dissolving it, and establishing new governments. If left entirely upon the waters of these great rivers, it was plain that, in case of threatened disruption, the interest of the new state would be to join a southern and western confederacy. But if a large portion of it could be made dependent upon the commerce

and navigation of the great northern lakes, connected as they are with the eastern states, a rival interest would be created, to check the wish for a western and southern confederacy.

It therefore became the duty of the national government, not only to make Illinois strong, but to raise an interest inclining and binding her to the eastern and northern portions of the Union. This could be done only through an interest in the lakes. At that time the commerce on the lakes was small, but its increase was confidently expected, and indeed it has exceeded all anticipations, and is yet only in its infancy. To accomplish this object effectually, it was not only necessary to give to Illinois the port of Chicago and a route for the canal, but a considerable coast on Lake Michigan, with a country back of it sufficiently extensive to contain a population capable of exercising a decided influence upon the councils of the state.

There would, therefore, be a large commerce of the north, western and central portions of the state afloat on the lakes, for it was then foreseen that the canal would be made; and this alone would be like turning one of the many mouths of the Mississippi into Lake Michigan at Chicago. A very large commerce of the centre and south would be found, both upon the lakes and the rivers. Associations in business, in interest and of friendship would be formed, both with the north and the south. A state thus situated, having such a decided interest in the commerce and in the preservation of the whole confederacy, can never consent to disunion; for the Union cannot be dissolved without a division and disruption of the state itself. These views, urged by Judge Pope, obtained the unqualified assent of the statesmen of 1818, and this feature of the bill, for the admission of Illinois into the Union, met the unanimous approbation of both houses of Congress.”

The act contained no provision for securing the consent of the people living north of 41 degrees, 37 minutes, 7.9 seconds, and west of Lake Michigan, although the act enabling Indiana to form a state constitution in 1816 required the people interested to ratify the boundary change.

In pursuance of the enabling act, a convention was called to meet at Kaskaskia to prepare a constitution. Delegates were present from fifteen counties of Illinois territory. Shadrach Bond was elected governor and Pierre Menard lieutenant governor.

It may be of interest to note that in this 1818 convention none of the delegates lived north of Madison county.

A draft of the new constitution was sent to Congress, which by resolution, December 3, 1818, declared Illinois to be "one of the United States of America, and admitted into the Union on an equal footing with the original states in all respects."

The northern boundary of Illinois was thus fixed and made to include a strip of land sixty-one miles, nineteen chains and thirteen links wide, extending from Lake Michigan to the Mississippi river, embracing a surface of 8,500 square miles, and which forms the counties of Lake, McHenry, Boone, Winnebago, Stephenson, JoDaviess, Carroll, Ogle, DeKalb, Kane, DuPage, Cook, Lee and Whiteside; also a part of the northern portion of Rock Island, Kendall, Will and LaSalle counties.

TWO SURVEYS.

By the terms of the treaty of St. Louis August 24, 1816, between the United States and the Ottawas, Chippewas and Pottawattomies, it became necessary to establish the point where a line "due west from the southern extremity of Lake Michigan" would strike the Mississippi. A line was surveyed by John Sullivan in 1818, and a monument was erected at what he believed was its western terminus

“on the bank of the Mississippi river near the head of Rock Island.” This place is between Seventeenth and Eighteenth streets, in the city of Moline, Illinois, and is now occupied by the Moline city water works.

In 1833, Captain Talcott, while making the survey of the Ohio-Michigan boundary, was instructed under the act of July 14, 1832, to “ascertain the point on the Mississippi river which is due west from the southerly extreme of Lake Michigan.” He established this point as being “about seven miles north of the fort (lower end) on Rock Island.” Several monuments were erected at this point and from there to the southern extremity of the lake. This western end of the survey is about five miles east of Sullivan’s line, the Mississippi river at this point flowing almost due west.

Wisconsin and Illinois recognized their southern and northern boundaries and Congress placed monuments to mark the line. Yet accurate as the United States government aims to be, the monuments were not correctly located. The state line zigzags to and fro, and should go farther north in and east of the city of Beloit, Wisconsin. As it is, a part of Beloit is in Illinois.

The possibilities that were forecast by Mr. Pope actually occurred forty-two years thereafter. The south seceded, but Illinois remained in the Union, and to her conservative influence we owe it that the adjoining states remained loyal. At the breaking out of the war Cairo became the strategic point in the west, and nearly 200,000 troops were assembled in that vicinity and sent out for our defense.

Had the original boundary line remained, the Illinois and Michigan canal and the Illinois Central railroad would probably never have been built, and without the vote of these fourteen northern counties Illinois would not have been republican in 1856. It was due largely to the election of Governor Bissell and the republican ticket in 1856 that Illinois became a national factor and Abraham Lincoln, her favored son, a presidential possibility.

While Pope's statesmanship and foresight in securing our northern boundary line was of sufficient importance to render his name illustrious forever in the history of our state and nation, his wisdom was further exemplified in a cause equally as worthy.

EARLY EFFORTS IN BEHALF OF EDUCATION.

On June 5, 1783, while the Continental Congress was debating what should be done with the Western territory (afterwards Northwest), Colonel Bland, a delegate from Virginia, introduced a resolution which among other features provided for the founding of seminaries of learning. Nothing, however, was done. On April 23, 1784, Congress adopted a plan of government for the Western territory drafted by Thomas Jefferson, *none of its provisions being for education*. In 1785 another ordinance was adopted which divided the territory into townships six miles square, each to be subdivided into tracts one mile square, numbered from one to thirty-six consecutively, and lot No. 16 of every township to be reserved for public schools. The plan adopted was designed, however, as a mere temporary arrangement, and never became effective.

In 1787 a number of New Englanders issued a call for a meeting to be held in Boston, the object being to form an organization of Revolutionary soldiers who should buy and settle upon a large tract of this western land. Dr. Manasseh Cutler was chosen to present the matter to Congress. He reached New York July 5, 1787, and immediately began an energetic campaign. A new committee was appointed, which within two days reported a new plan of government for this territory. It contained the following:

"Schools and the means of education shall forever be encouraged."

On the 17th of July the plan was adopted and became the celebrated Ordinance of 1787. "The persistency of Dr. Cutler, coupled with the dire necessity of the government, was the force which won the day for the Ohio Company and for higher education."

After the adoption of the constitution, a general law was enacted for the sale of public lands in the Northwest Territory, which reserved from sale Section No. 16, which was set aside for the use of schools.

POPE'S WORK FOR EDUCATION.

When Illinois Territory in 1818 asked admission to statehood, instead of granting five per cent of the net proceeds arising from the sale of public lands for building roads, as had been done in other states carved from the Northwest Territory, the act set apart two per cent for that purpose, and gave three per cent "to be appropriated by the legislature of the state for the encouragement of learning, of which one-sixth part shall be exclusively bestowed on a college or university." This action was taken altogether as a result of a motion of Nathaniel Pope, and it may be interesting to note what he said. I quote from the Annals of Congress, April 4, 1818:

"Mr. Pope said that the fund proposed to be applied for the encouragement of learning, had, in the other new states, been devoted to roads; but its application had, it was believed, not been productive of the good anticipated; on the contrary, it had been exhausted on local and neighborhood objects, by its distribution among the counties, according to their respective representation in the legislature. The importance of education in a republic, he said, was universally acknowledged; and that no immediate aid could be derived in new counties from waste lands was not less obvious; and that no active fund would be provided in a new state, the history of the western states too clearly proved. In addition to this, Mr. Pope said, nature had left little to be done in the

proposed state of Illinois, in order to have the finest roads in the world. Besides, roads would be made by the inhabitants as they became useful, because the benefits are immediate; but not so with endowments to schools. The effects of these institutions were too remote. Nor would the interest of the United States be impaired by this plan. The land on the roads was generally private property before the opening of the road; and the benefit resulting to the United States from the stipulation would be found alone in the exemption from taxation, for five years, of lands sold in the state."

Through the efforts of Nathaniel Pope Illinois has schools and a school system comparing most favorably with those of any state in the Union. It is interesting however, to note, that today an effort is being made to build those good roads, where, ninety-one years ago it was declared that "nature had left little to be done in the proposed State of Illinois, in order to have the finest roads in the world."

I believe Pope was wise. Hundreds of thousands have been benefited by our schools. The people of today and of tomorrow can build such roads as they desire. Intellectual development is of more value to a state than the pleasure of gliding over smooth roads.

ON THE BENCH.

In 1816 Mr. Pope resigned his seat in Congress and was by President Monroe appointed United States district Judge for Illinois, a position he filled with dignity and impartiality. Davidson and Stuve in their history of Illinois say of him:

"His natural endowments of head and heart, were very superior; to a fine analytical mind, he added a genial and benevolent disposition, and great dignity of character." Judge Joseph Gillespie, one of the great pioneer lawyers of the state, who knew Pope intimately, in speaking of him, said, he was "one of the ablest men of the nation."

In 1824 Judge Pope was a candidate before the Fourth General Assembly for election as United States senator to fill the vacancy caused by the resignation of Ninian Edwards in March to accept the appointment of minister to Mexico. Edward's term expired in March, 1825. While the unexpired term was for but one year, there were several candidates. Edwards very soon resigned the appointment to Mexico, and upon his return home became a candidate to fill his own vacancy. The other aspirants were John McLean, William M. Alexander and Nathaniel Pope. McLean was elected on the second ballot.

Judge Pope had an ambition to be appointed to the supreme bench of the United States, a wish that was never realized. In the winter of 1826 he went to Washington to further his interests. D. P. Cook who was in Congress at this time, in a letter to Governor Edwards (then governor of the state), mentions Pope's presence in Washington and said: "Pope is here working for the judgeship, but everything is in a state of uncertainty," and "I am now inclined to think that Pope's chances to be judge are not very good; it will probably go to Ohio." It did go to Ohio. President Jackson appointed John McLean whose career on the supreme bench was both long and honorable.

General Usher F. Linder, speaking of him after many years of personal acquaintance, said: "I heard Stephen T. Logan, whose opinion upon legal matters is entitled to great respect, say that Judge Pope was a man of the finest legal mind he ever knew, and this is entitled to the more respect from the fact that Judge Pope never showed Logan much favor in his court."

In speaking of Pope, Linder further said: "Judge Pope's physical form was not very remarkable; he was rather above than below the medium height and rather corpulent. A man could not look upon him without thinking he was a man of considerable intellectual power."

Judge Moses said: "He was a profound lawyer, and able legislator, a dignified and upright yet courteous

judge and wore the ermine for over thirty years without a stain."

Pope county was in 1816 named in his honor.

In 1824, six years after the admission of our state, there commenced a struggle between the pro-slavery inhabitants and those who were for keeping the state free from slavery. History says it was a struggle "such as has never been witnessed in this country, except perhaps in regard to Kansas, nearly forty years afterward." Judge Elliott Anthony, in speaking of these times and the men who figured therein, says of the anti-slavery men that they "were led by men that knew no fear, and whose convictions were so strong that they would have gone to the scaffold or the stake singing hosannas to God. They belonged to that class of martyrs that have worshipped God and died for the 'old cause' since the Redeemer was crucified on the cross and since Sydney poured out his soul for the liberty of his fellowmen."

These leaders were Governor Coles, Reverend J. M. Peck, Judge Samuel D. Lockwood, Daniel P. Cook, William H. Brown, Judge Nathaniel Pope, Governor Edwards, Morris Birkbeck, George Flower, David Blackwell, Hooper Warren and others:

"The noise of the conflict has long since died away, and the actors in it all at rest from their labors, but a grateful people should always remember that freedom in Illinois was secured, not by the Ordinance of 1787 alone, but by the persistent energy, the noble faith and heroic enthusiasm of our honored fathers of the present century."

Distinguished as was the career of Nathaniel Pope, so no less distinguished was that of his son General John Pope, a hero of the Mexican and Civil wars.

Nathaniel Pope filled the office of United States judge from the time of his appointment in 1818 until the time of his death, which occurred at the home of his daughter, Mrs. Lucretia Yeatman, in St. Louis, Missouri, January 23, 1850.